

THE AMENDMENT

Claims 1-18, 20-38 and 40-53 are in the case. Claims 1, 5-10, 12, 17, 18, 20, 26-30, 32, 37, 40, 41, 43, 48-51 and 53 have been amended. Support for the amendment to claims 1, 20, 43 and 53 regarding the wording “cage-type display” may be found at page 39 (lines 14-21, paragraph 169) and in claim 19. Support for the amendment to claim 32 regarding the wording “cage-type containment means” may be found at page 39 (lines 14-21, paragraph 169) and in claim 39. Further amendment to claim 12 was made to correct a typographical error that is apparent from its context. The amendment to claim 37 is to provide correct antecedent basis with parent claim 32 (now amended) and has been rewritten in “means” format to be consistent with parent claim 32. The amendments to claims 5-10, 12, 17, 18, 26-30, 40, 41 and 48-51, are to provide correct antecedent basis with their corresponding parent claims (now amended). Claims 19 and 39 have been canceled.

The amendment to the Specification at page 2 is to update the Cross References to Related Applications and to correct some typographical errors.

Applicants respectfully submit that the Amendment does not introduce new matter and request that the Amendment be entered.

REMARKS

1. Brief Summary of the Invention

Applicant’s invention relates to a gaming device that includes a gaming device housing having a cage-type display container coupled thereto. At least one moveable object is configured to move within the cage-type display container and the container may be rotatable. The moveable object comprises at least one moveable object symbol. A controller is provided that is in communication with at least one controller selectable object. The controller selectable object

comprises at least one controller selectable object symbol that is substantially similar in appearance to the moveable object. The controller selectable object may be displayed to the player and provide an illusion to the player that the controller selectable object is the moveable object. A game display is also provided and may be in communication with the controller. The game display is configured to display a display symbol in at least one display position. A game outcome at least partially depends on the display position of the display symbol.

2. Obviousness-type Double Patenting: rejection of claims 1, 5-19, 32, 36-43, 45, 47 and 51 over claims 22-36 of U.S. 6,817,945.

Claims 1, 5-19, 32, 36-43, 45, 47 and 51 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims 22-36 of U.S. 6,817,945. Applicants respectfully traverse this rejection and request withdrawal of the obviousness-type double patenting rejection based on the discussion below regarding the newly amended claims.

Applicants submit that newly amended independent claims 1, 32 and 43, that now require a cage-type display container (or containment means), are not obvious in view of claims 22-36 of U.S. 6,817,945. The “cage-type display” container feature of the amended claims is not taught nor is it suggested by claims 22-36 of U.S. 6,817,945. Claims 5-19, 36-42, 45, 47 and 51, being dependent on claims 1, 32 and 43, are also, therefore, not obvious in view of claims 22-36 of U.S. 6,817,945. Applicants respectfully request withdrawal of the obviousness-type double patenting rejection in view of the newly amended independent claims.

3. Obviousness-type Double Patenting: rejection of claims 20 and 25-31 over claims 29-39 of US 6,338,678.

Claims 20 and 25-31 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims 29-39 of U.S. 6,338,678. Applicants respectfully traverse this rejection and request withdrawal of the obviousness-type double patenting rejection based on the discussion below regarding the newly amended claims.

Applicants submit that newly amended independent claim 20, that now requires a “cage-type display” container, is not obvious in view of claims 29-39 of U.S. 6,338,678. The “cage-type display” container feature of the amended claim is not taught nor is it suggested by claims 29-39 of U.S. 6,338,678. Claims 25-31, being dependent on claim 20, are also, therefore, not obvious in view of claims 29-39 of U.S. 6,338,678. Applicants respectfully request withdrawal of the obviousness-type double patenting rejection in view of the newly amended independent claim.

4. Rejection of claims 53-55 under 35 USC 103(a) as being obvious over Glasson et al. (US Patent Application Publication 2002/0177478).

Claims 53-55 stand rejected as being obvious under 35 USC 103(a) over Glasson *et al.* Applicants respectfully traverse this rejection based on the discussion below regarding the newly amended claims.

Glasson et al. discloses a gaming machine having a display and a game controller arranged to control displayed images. The controller operates to play a game of bingo by displaying a plurality of bingo cards simultaneously where at least one of the bingo cards is selected by a person playing the game.

Applicants' claimed invention requires the use of a "cage-type display container" as part of the gaming device. Glasson et al. neither teaches nor suggests the use of a cage-type display container. Further, Glasson et al. provides no incentive for one of ordinary skill in the art to modify the teachings of Glasson et al. to arrive at Applicant's claimed invention. Applicants submit that the claimed invention is not obvious in view of Glasson et al. and respectfully request withdrawal of the rejection under 35 USC 103(a).

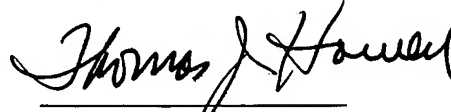
5. Allowable subject matter: claims 2-4, 21-24, 33-35, 44, 46, 48-50 and 52 objected to (dependent on rejected base claim), allowable if rewritten in independent form.

The Examiner has indicated that the listed claims would be allowable if rewritten in independent form to include all limitations of the base claim (where the base claims currently stand as rejected). Applicants submit that the listed claims are allowable as written now, since the corresponding base claims have been amended to obviate the outstanding "obviousness-type double patenting" rejection.

CONCLUSION

For all of the above reasons, Applicants respectfully submit that the present application is in condition for allowance. If the Examiner has any questions regarding the application or this response, the Examiner is encouraged to call Applicant's agent, Thomas J. Howell, at (775) 826-6160.

Respectfully submitted,



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